

SENATE JOINT RESOLUTION 284
By Kyle

WHEREAS, the Uniform Probate Code deals with most probate matters and has been adopted for the most part in many states; it has become a very important tool in the establishment of uniform probate laws, as the Uniform Probate Code updates and supplements old and outdated probate laws; and

WHEREAS, there has been no major revision of the Probate Laws in Tennessee since the nineteenth century; much litigation has occurred, resulting in judicial interpretations of the law which, despite numerous amendments to different sections of the law, lack uniformity and remain unincorporated in the code; and

WHEREAS, provisions of this important law remain unclear and subject to divergent views of the bench and bar, thereby causing uncertainty as to the legal rights and protections of all involved; and

WHEREAS, the various philosophies surrounding all aspects of probate laws have been vigorously debated by concerned persons who are interested in bringing about the changes in the probate law already effected in most sister states; and

WHEREAS, the lack of uniformity and clarity in our probate laws greatly concerned the 99th General Assembly, and subsequently this Body passed HJR No. 223, which created a special joint commission to:

1. Study all aspects of the probate law in Tennessee with a view towards adopting the Uniform Probate Code by revising, updating, and clarifying the law so that it may give clear and consistent guidance to those using the law and those affected by the law in order to ensure, to the greatest extent possible, the uniformity of probate law and the removal of any legal uncertainties related to this important process; and

2. Recommend legislation to effect the above goals; and

WHEREAS, although the special joint commission has worked assiduously at its appointed duties, the complexity of Tennessee's probate laws, the divergent legal philosophies applied to probate matters and time constraints have prevented the commission from completing its mission; and

WHEREAS, it is imperative that the legal rights and protections of all persons involved in probate matters be clearly defined, and, if necessary, statutory revisions to our probate laws must be effected to remove the cloud of uncertainty that presently surrounds probate matters; and

WHEREAS, this General Assembly finds that the appointed mission of the special joint commission is of vital importance to all Tennesseans, and that the commission's mandate should be continued so that it may properly complete this demanding task; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the special joint commission created by House Joint Resolution No. 223 of the 99th General Assembly to study the Uniform Probate Code and to recommend statutory revisions to the existing probate laws in Tennessee is hereby continued until February 1, 1997.

BE IT FURTHER RESOLVED, That the legislative membership of the commission shall remain as constituted in accordance with HJR 223; provided that such legislative members remain duly elected members of the General Assembly. The non-legislative membership of the

commission shall also remain as constituted in accordance with HJR 223, except in the case of vacancy.

BE IT FURTHER RESOLVED, That all vacancies on the commission shall be filled by the original appointing authority in accordance with HJR 223.

BE IT FURTHER RESOLVED, That all appropriate state agencies shall provide assistance to the special joint committee upon request of the chair.

BE IT FURTHER RESOLVED, That non-legislative members of the commission shall serve without compensation, but shall be reimbursed for actual travel expenses in accordance with comprehensive state travel regulations, promulgated by the Department of Finance and Administration and approved by the Attorney General and Reporter.

BE IT FURTHER RESOLVED, That the special joint commission shall timely report its findings and recommendations, including any proposed legislation, to the One Hundredth General Assembly no later than February 1, 1997, at which time the commission shall cease to exist.